

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.R.P.Nos.2997, 2999, 3000 & 3004 of 2019

COMMON ORDER:

Heard the learned counsel for the petitioners.

2. Since all these Revision Petitions arose out of the same order and the parties are also one and the same, these are being heard together and disposed of by this common order.

3. C.R.P.No.2997 of 2019 is filed against the order in I.A.No.1264 of 2019 in O.S.No.69 of 2013 which is filed to receive the documents as per list of documents; C.R.P.No.2999 of 2019 is filed against the order in I.A.No.1263 of 2019 in O.S.No.69 of 2013 which is filed to recall P.W.1 for the purpose of marking documents; C.R.P.No.3000 of 2019 is filed against the order in I.A.No.1262 of 2019 in O.S.No.69 of 2013 which is filed to reopen the petitioners/plaintiffs side evidence; and C.R.P.No.3004 of 2019 is filed against the order in I.A.No.1356 of 2019 in O.S.No.69 of 2013 which is filed to receive the property plan taken from the Google online under Section 65-B of the Indian Evidence Act, 1872.

4. By the impugned common order, the trial Court has rejected all the applications on the ground that the petitioners failed to explain the genuine reasons to receive those documents at the stage of arguments since they have simply stated in their affidavit that the documents sought to be filed are handed over to their counsel but they

were misplaced and therefore they could not be placed before the trial Court along with suit.

5. Having heard the learned counsel for the petitioners and perused the material available on record, this Court is of the opinion that if the objections of this nature are accepted to receive the said documents, ends of justice would not meet since the explanation for delay need not be as rigorous as required under Section 5 of the Limitation Act, 1963. It is settled law that, if the documents are found to be relevant to decide the real issue in the controversy, and when the Court felt that interest of justice requires that the documents may be received exercising the power under Order 41, Rule 27 CPC the appellate Court would receive the documents and consider their effect thereof. (**Billa Jagan Mohan Reddy and another v. Billa Sanjeeva Reddy and others¹**).

6. Accordingly, all the Civil Revision Petitions are allowed setting aside the impugned order dt.22-11-2019 in I.A.Nos.1262, 1263, 1264 and 1356 of 2019 in O.S.No.69 of 2013. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 16-12-2019
kvr

¹ (1994) 4 S.C.C. 659